



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 23, 2014

Sponsored by Council Members: Motsavage, Webb, Matzo, Mihalko, Rennia, Berg, Papastrat

Introduced by Committee: Municipal and Public Affairs

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR THE BELMAR PUB**

WHEREAS, the Belmar Pub (the "Applicant"), located at 95 Main Street, Binghamton, New York, has applied for a special variance to the City's noise regulations, as outlined in Chapter 292, *Noise*; and

WHEREAS, the Applicant wishes to hold outdoor music on either Wednesdays or Saturdays on a weekly basis, from May 7th to October 8th, along with additional dates from time to time, upon receipt of approval from City Council; and

WHEREAS, such events to be held at 95 Main Street, Binghamton, New York; and

WHEREAS, the Council of the City of Binghamton held a public hearing on April 23, 2014.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that a special variance to the City of Binghamton's noise regulations as set forth in Chapter 292 of the Code of the City of Binghamton, entitled *Noise*, is hereby granted to the Belmar Pub for outdoor music events either Wednesdays or Saturdays on a weekly basis, from May 7th to October 8th, along with additional dates from time to time, upon receipt of approval from City Council; and be it further

RESOLVED that such events shall take place between the hours of 5:00 P.M. to 9:00 P.M. on Wednesdays and other weeknights as may be approved by City Council, and between the hours of 12:00 P.M. and 10:00 P.M. on Saturdays, such events to be held at 95 Main Street; and be it further

RESOLVED that notwithstanding the foregoing, the Council of the City of Binghamton may revoke this variance, after giving written notice to the Applicant and providing an opportunity for the Applicant to be heard, for any violation of the time limits or complaints for noise in excess of anticipated noise.

Introductory No. R14-25

Permanent No. *DEFEATED*

Sponsored by City Council Members:
Motsavage, Webb, Matzo, Mihalko, Rennia, Berg,
Papastrat

A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR THE BELMAR PUB

~~The within Resolution was adopted~~ ^{DEFEATED} by the Council of
the City of Binghamton.

Date Mar 21, 2014
City Clerk [Signature]

Date Mar 22, 2014
Presented to Mayor

Date Approved

Mayor

Public hearing held on April 23, 2014.

First reading legislation held on May 7, 2014.
Motion to hold legislation.
Moved by Papastrat, seconded by Mihalko.
Legislation held.

Second reading legislation held on May 21, 2014.

1. Point of Order. Council President Rennia noted for the record that should City Council choose to amend the legislation to reflect Mr. Hickey's revised permit application, such amendment would not require a second public hearing.

2. Motion to approve legislation.
Moved by Motsavage, seconded by Webb.

3. Motion to amend the legislation to reflect the amended permit application submitted by Mr. Hickey, with language to be determinate by Corporation Counsel, reflecting a change from music events held on both Wednesdays and Saturdays to music events held on either Wednesday or Saturday, plus "floating" days.
Moved by Motsavage, seconded by Webb.
Motion carried. (Vote 7-0)
Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg
Nays: None

4. Motion to approve the legislation as amended.
Moved by Motsavage, seconded by Matzo.
Motion failed. Legislation defeated. (Vote 0-7)
See "Final Vote"
Ayes: None
Nays: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

"Final Vote"

	Ayes	Nays	Abstain	Absent
Motsavage		✓		
Mihalko		✓		
Rennia		✓		
Webb		✓		
Papastrat		✓		
Matzo		✓		
Berg		✓		
Total	0	7	0	0

☐ Code of the City of Binghamton

☐ Adopted ☒ Defeated

0 Ayes 7 Nays 0 Abstain 0 Absent

ORIGINAL



Office of the City Clerk

Date Filed:	4-2-14
License No:	825 NPA-14

pd ckt 24-79

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

NOISE PERMIT APPLICATION

Event Information

Name of Event: The Belmar Backyard Series

Date(s)/Time(s) of Event: Wednesdays and Saturdays from May 7th to October 8th and May 15th.

Location of Event: Backyard of The Belmar Pub 95 Main St. Binghamton, NY

Sponsoring Organization: _____

Contact Information

Name of Applicant: Edward P Hickey

thebelmarpub@gmail.com

RECEIVED
APR 1 2014

Address: 95 Main St. Binghamton, NY 13905

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Phone (Home/Work/Cell): h: (607) 595-2627 w: (607) 724-5920 c: (607) 761-6930

Additional Information

Is Applicant the owner of the property where the event will be located? Yes ☒ No ☐
(If the answer to the above question is 'No', the owner of the property must provide written consent.)

Provide a description of the plans, specifications and any other information pertinent to the source of sound and vibration.

The plan is to allow entertainment/music in the fenced in area of the backyard of The Belmar. The amplified music will cease prior till 10pm and if there is continued music it will be conversation level or lower.

Provide a description of the sound, including estimated sound levels at the source property and across any real property boundaries, along with the date(s) and time(s) during the day that the sound will be generated.

The sound will be generated between the hours of 5pm and 9pm on "work" nights and no longer than between the hours of 12noon and 10pm on Saturdays. The sound could best be described as somewhere between "folk" music and "classic rock" music. The Decible level will remain at a level deemed "acceptable".



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Provide a description of noise control methods that will be used to restrict emissions of the generated sound.

The noise will be controlled in part by using multiple speakers as to keep the levels at a constant yet acceptable level. There will be back drops to prevent sound from being "non-directional"

Provide a description of the time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of the sounds and vibrations.

By signing below, I acknowledge that in the event the City Clerk issues a permit, the permit shall be valid for the time period requested, but shall be rendered invalid if the actual source of sound authorized under the permit, as measured by a law enforcement officer, causes a continuous noise level in excess of 70 db(A) across any real property boundary.

Edward P Hickey

Applicant Signature

4/27/2014

Date

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**
(Page 1 of 2 of Form)

RECEIVED

1. Date Notice was Sent: (mm/dd/yyyy) 3/28/14

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License APR 1 2014

☐ New Application ☐ Renewal ☒ Alteration ☐ Corporate Change

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board City of Binghamton

Applicant/Licensee Information

4. License Serial Number, if not New Application: 2500616 Expiration Date, if not New Application: 6/30/15

5. Applicant or Licensee Name: Edward P Hickey

6. Trade Name (if any): The Belmar

7. Street Address of Establishment: 95 Main St

8. City, Town or Village: Binghamton

,NY

Zip Code: 13905

9. Business Telephone Number of Applicant/Licensee: 607-724-5920

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee: THE BELMAR PUB @ GMAIL.COM

**For New applicants, provide description below using all information known to date.
For Alteration applicants, attach complete description and diagram of proposed alteration(s).
For Current Licensees, set forth approved Method of Operation only.
Do Not Use This Form to Change Your Method of Operation.**

12. Type(s) of Alcohol sold or to be sold: ("X" One) ☐ Beer Only ☐ Wine & Beer Only ☒ Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) ☒ Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) ☐ Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all that apply)

<input checked="" type="checkbox"/> Recorded Music	<input checked="" type="checkbox"/> Live Music	<input type="checkbox"/> Disc Jockey	<input checked="" type="checkbox"/> Juke Box	<input type="checkbox"/> Karaoke Bar	<input type="checkbox"/> Stage Shows
<input type="checkbox"/> Patron Dancing (small scale)	<input type="checkbox"/> Cabaret, Night Club (Large Scale Dance Club)		<input type="checkbox"/> Catering Facility		
<input type="checkbox"/> Capacity of 600 or more patrons	<input type="checkbox"/> Topless Entertainment	<input checked="" type="checkbox"/> Restaurant	<input type="checkbox"/> Hotel		
<input type="checkbox"/> Recreational Facility (Sports Facility/Vessel)	<input type="checkbox"/> Club (e.g. Golf Club/Fraternal Org.)		<input type="checkbox"/> Bed & Breakfast		
<input type="checkbox"/> Seasonal Establishment					

15. Licensed Outdoor Area: ("X" all that apply)

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Patio or Deck	<input type="checkbox"/> Rooftop	<input checked="" type="checkbox"/> Garden/Grounds	<input type="checkbox"/> Freestanding Covered Structure
<input type="checkbox"/> Sidewalk Cafe <input type="checkbox"/> Other (specify):				

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**
(Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on: 1st
17. List the room number(s) the establishment is located in within the building, if appropriate: Kitchen MENS ROOM BACK ROOM (adj)
BAR LADIES ROOM
18. Is the premises located with 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) ☒ Yes (If Yes SKIP 21-24) ☐ No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name: Edward P Hickey
22. Building Owner's Street Address: 95 Main St
23. City, Town or Village: Binghamton State: NY Zip Code: 13905

**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the
Establishment Identified in this Notice**

25. Attorney's Full Name: _____
26. Attorney's Street Address: _____
27. City, Town or Village: _____ State: _____ Zip Code: _____
28. Business Telephone Number of Attorney: _____
29. Business Email Address of Attorney: _____

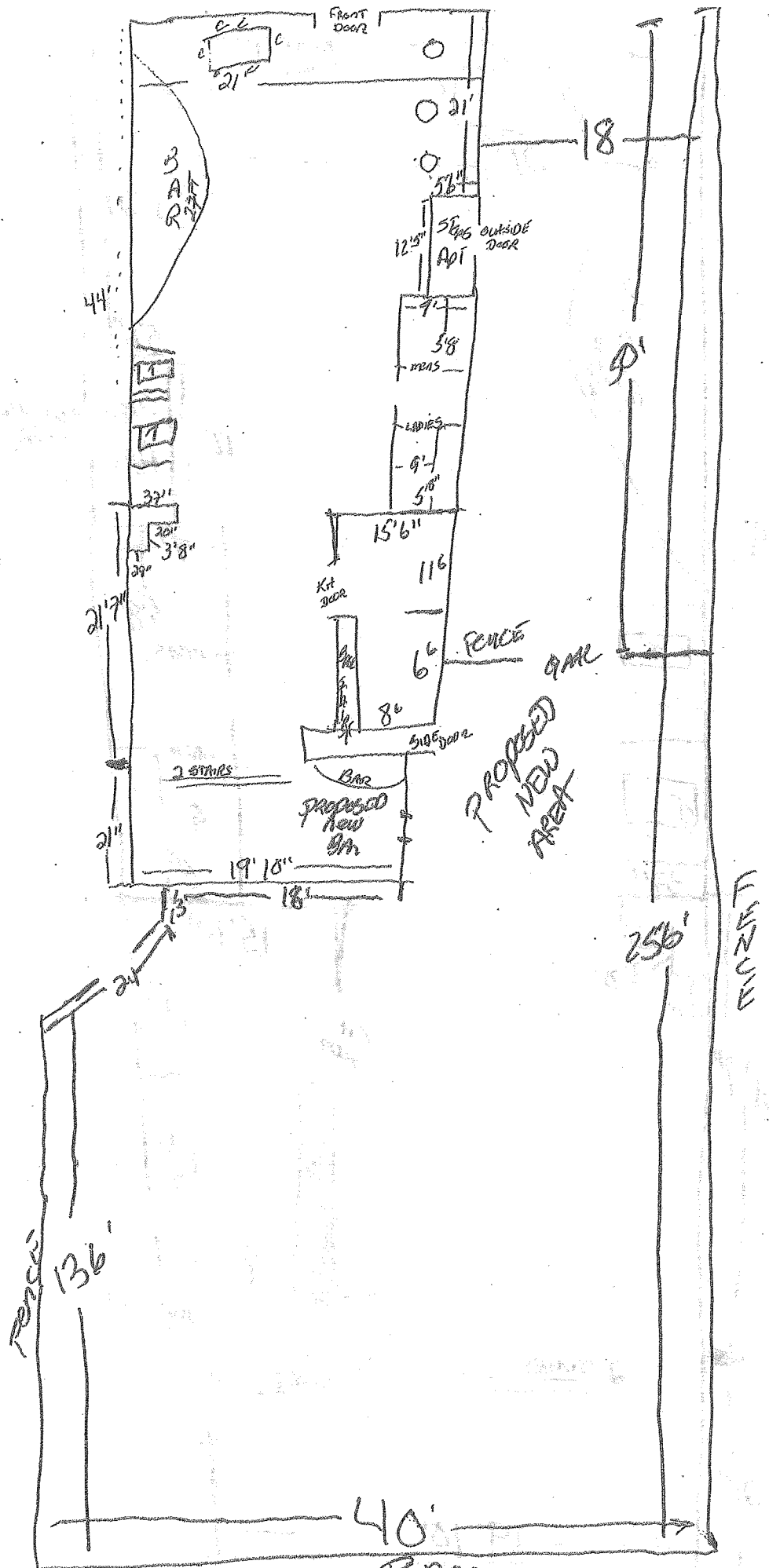
I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

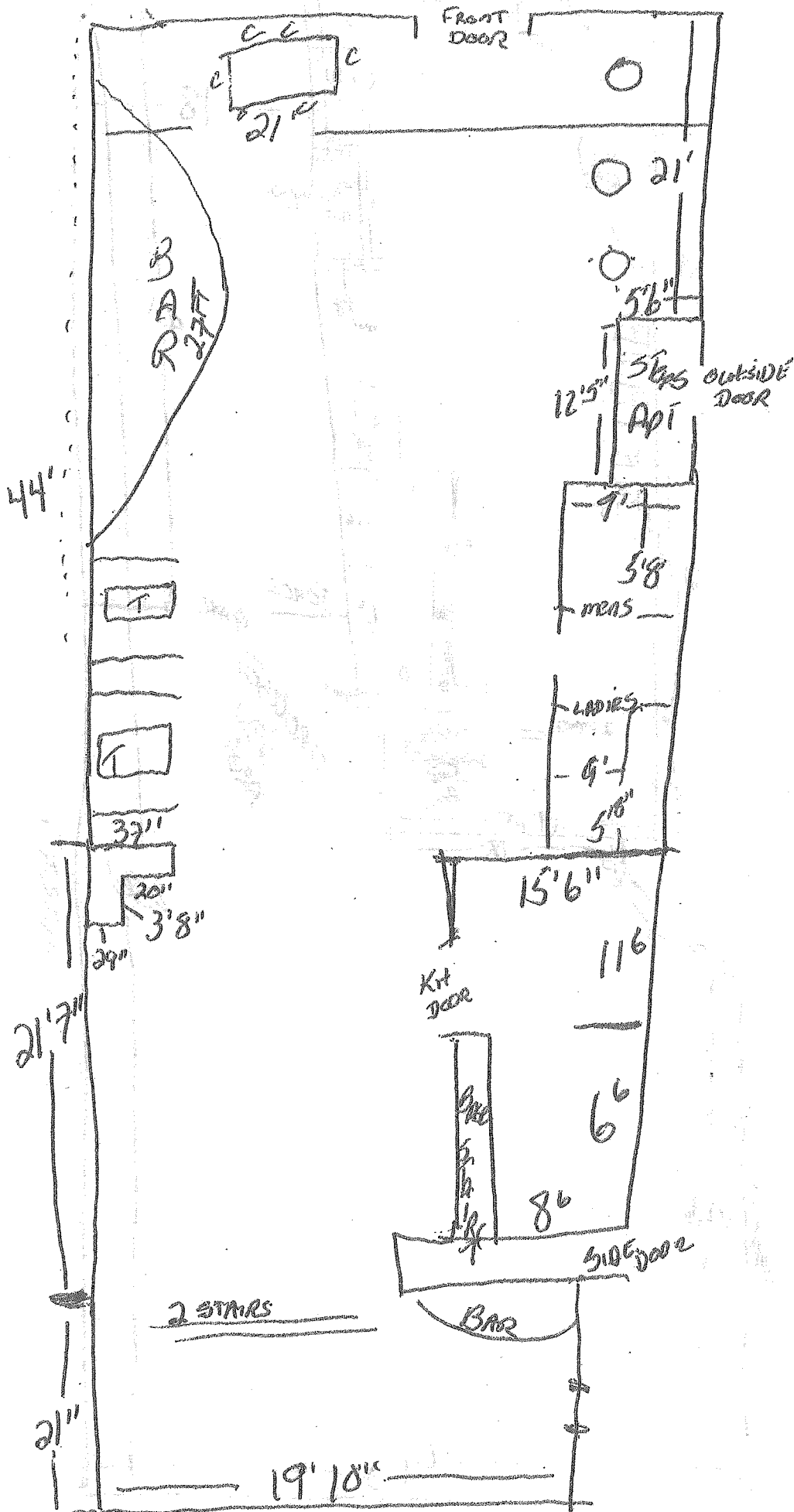
30. Printed Name: Edward P. Hickey Title: OWNER

Signature: X [Signature]

FUTURE FLOOR PLAN



CURRENT FLOOR PLAN



AMENDED



Office of the City Clerk

Date Filed:

License No:

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

NOISE PERMIT APPLICATION

Event Information

RECEIVED

Name of Event: The Belmar Backyard Series

MAY 5 2014

Date(s)/Time(s) of Event: _____

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Location of Event: The Belmar

Sponsoring Organization: _____

Contact Information

Name of Applicant: Edward Hickey

Address: Main St. Binghamton

Phone (Home/Work/Cell): Main

Additional Information

Is Applicant the owner of the property where the event will be located? Yes ☐ No ☐
(If the answer to the above question is 'No', the owner of the property must provide written consent.)

Provide a description of the plans, specifications and any other information pertinent to the source of sound and vibration.

We would like to ammend our origial application to either Saturdays or Wednesdays weekly rather than both. The events will be predominatly on Saturdays. We would also like to ask to have "floating" days to host events also. We have begun to make plans to provide extra security and are looking into hiring off duty police officers to make sure the events are "neighborhood friendly".

Provide a description of the sound, including estimated sound levels at the source property and across any real property boundaries, along with the date(s) and time(s) during the day that the sound will be generated.



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Provide a description of noise control methods that will be used to restrict emissions of the generated sound.

The performance area will be moved much closer to Main St. to mitigate sound traveling onto the Asbury

Ct Homes.

Provide a description of the time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of the sounds and vibrations.

By signing below, I acknowledge that in the event the City Clerk issues a permit, the permit shall be valid for the time period requested, but shall be rendered invalid if the actual source of sound authorized under the permit, as measured by a law enforcement officer, causes a continuous noise level in excess of 70 db(A) across any real property boundary.

Edward P Hickey

Applicant Signature

5-01-14

Date